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- I. IF THE PURPOSE OF SECTION 11 OF THE THAI TOBACCO PRODUCTS CONTROL ACT IS TO SAFEGUARD PUBLIC HEALTH THEN THE SUBMISSION OF INGREDIENTS INFORMATION IS UNNECESSARY
1. QUESTIONS CONCERNING THE ALLEGED HEALTH EFFECTS OF SMOKING SHOULD FOCUS ON THE CIGARETTE SMOKE CONSTITUENTS THAT SMOKERS INHALE, NOT THE INGREDIENTS USED IN THE MANUFACTURE OF CIGARETTES
 - A. There is an extensive body of scientific literature on cigarette smoke constituents available to the Thai government from numerous library and database sources. Furthermore, we would be willing to provide copies of cigarette smoke constituent publications in our possession.
2. THE VAST MAJORITY OF INGREDIENTS ARE USED IN MINUTE QUANTITIES AND HAVE NO PUBLIC HEALTH SIGNIFICANCE BECAUSE OF THE EXTREMELY SMALL AMOUNTS USED
 - A. For example, in U.S. style cigarettes (based on our ingredients submission to the United States Department of Health and Human Services) of the approximately 750 individual ingredients used by the U.S. cigarette industry, only twenty of those ingredients comprise 99 % of the total weight of all ingredients used. The remaining ingredients are used in extremely small quantities with typical industry - wide usage of many of these flavors under 10 pounds per year.
3. INGREDIENTS USED IN CIGARETTES ARE USED IN NUMEROUS OTHER PRODUCTS
 - A. Most of the ingredients used in cigarettes have a long history of use in foods and beverages and have been

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reviewed for use in these products by a variety of scientific organizations and governmental agencies. For example, most ingredients used in cigarettes in the United States are included in the list of substances "Generally Recognized as Safe" (GRAS) by the Flavor and Extract Manufacturers Association (FEMA) in the U.S.

4. CIGARETTES INGREDIENTS HAVE BEEN INDEPENDENTLY EVALUATED

- A. The vast majority of ingredients (if not all) used in cigarettes sold in Thailand have been specifically approved for use in tobacco products after careful scientific evaluation by various governments, including the United Kingdom, France, Germany, Belgium, Switzerland, etc.

5. THE ADDITION OF INGREDIENTS TO CIGARETTES HAS NOT BEEN SHOWN TO BE A HEALTH HAZARD TO SMOKERS

- A. The cigarette manufacturers continuously review available scientific evidence relating to cigarette ingredients and believe that their use has not been associated with any deleterious effects in smokers. As previously mentioned, virtually all of the ingredients used by cigarette manufacturers can be found on the accepted lists of governmentally affiliated or recognized organizations such as the U.K. Independent Scientific Committee on Smoking and Health. It is important to recognize that the inclusion of ingredients on such lists reflects a careful review of available data by qualified scientists.

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6. THE THAI GOVERNMENT'S PUBLIC HEALTH CONCERNS ARE MOOTED BY THE FACT THAT THE CIGARETTES SOLD IN THAILAND ARE THE SAME FORMULATIONS AS SOLD IN THE U.S. AND EUROPEAN MARKETS WHERE INGREDIENTS USAGE IS CLOSELY REGULATED

A. There is no need for the Thai government to "re-invent the wheel" by receiving and evaluating ingredients information from companies such as PM, RJR and BAT if these companies are willing to certify in writing that the products they sell in Thailand contain the same ingredients as those products sold in markets where ingredients have been scrutinized scientifically and approved for use in cigarettes.

II. CIGARETTE INGREDIENTS AND PRODUCT FORMULAS ARE CLOSELY-GUARDED TRADE SECRETS AND MUST BE RESPECTED AS SUCH BY THE THAI GOVERNMENT

1. SPECIFIC PRODUCT RECIPES HAVE THE HIGHEST COMMERCIAL VALUE AND DISCLOSURE COULD CAUSE IRREPARABLE HARM

A. Because they contribute to the taste and appeal of individual brands, the identities of specific ingredients in cigarette brands and the mixture of ingredients comprising the recipe for any individual brand are closely-guarded trade secrets of the manufacturers. Disclosure of the ingredients used in specific cigarettes could reveal product formulas that have required years of research to develop and cause irreparable damage to the manufacturer in a highly competitive industry.

2. ANY INGREDIENTS INFORMATION PROVIDED TO THE THAI GOVERNMENT MUST BE MAINTAINED IN THE STRICTEST CONFIDENCE OF THE GOVERNMENT

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A. Just as the flavorings used in foods and fragrances are treated as trade secrets so should the proposed Thai Tobacco Products Control Act contain a provision that any ingredients information provided by cigarette manufacturers be maintained in the strictest confidence. The U.S. legislation requiring the cigarette manufacturers to submit ingredients information to DHHS serves as a "model" in that it contains a confidentiality clause supporting the concept that cigarette ingredients should not be treated as public information. Section 11 (2) of the proposed act empowering the Ministry of Public Health to "publish the components of tobacco products for public information" should be deleted.

3. ARGUABLY, THE PROPOSED THAI TOBACCO PRODUCTS CONTROL ACT DOES NOT REQUIRE THE DISCLOSURE OF INGREDIENTS INFORMATION BUT REQUIRES THE GENERIC DISCLOSURE OF THE COMPONENTS OF TOBACCO PRODUCTS

A. We could argue that the information provided on cigarette packages in France (tar and nicotine levels, % tobacco, % paper and % ingredients) would be responsive to the proposed Thai law. Caveat : France also has a government approved list of ingredients for use in tobacco products.

III. OTHER NATIONAL GOVERNMENTS HAVE COOPERATED WITH THE CIGARETTE INDUSTRY IN COMPROMISING ON INGREDIENTS INFORMATION

1. IN THE UNITED STATES, NEW ZEALAND AND FINLAND AGREEMENTS BETWEEN GOVERNMENT AND THE CIGARETTE INDUSTRY HAVE BEEN REACHED WHEREBY INGREDIENTS INFORMATION ADEQUATE FOR

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GOVERNMENT NEEDS BUT FAR LESS THAN THE DISCLOSURE OF TRADE SECRETS HAS BEEN PROVIDED

- A. United States - An annual, alphabetized, industry-wide list of ingredients used in any cigarette product is submitted to DHHS.
- B. New Zealand - A composite, alphabetized list of all ingredients approved for use in tobacco products in Belgium, France, Germany, Switzerland and the U.K. was submitted to the Minister of Health along with a certified statement by each manufacturer that it used only ingredients appearing on this composite list.
- C. Finland - An industry-wide list of ingredients used by any manufacturer that appeared in the final product in an amount greater than .2 % of the weight of the final product was submitted to the Finnish Medical Board. This was the so-called "large volume ingredient" strategy. Also, information concerning paper, glues, inks and dyes was also provided.
- D. For a more detailed explanation of these three different compromise approaches see Mr. Andrade's letter to Mr. Harris of August 23, 1991.

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